

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 4:19-cv-00174-
v.)	
)	
TIFFANY L. WEIMER, a/k/a)	
TIFFANY L. AUDSLEY,)	
)	
Defendant.)	

COMPLAINT FOR UNLAWFUL DETAINER

The United States of America (hereinafter “United States”), on behalf of the United States Department of Agriculture, Rural Housing Service (hereinafter “RHS”), for its Complaint for Unlawful Detainer against Defendant Tiffany L. Weimer also known as Tiffany L. Audsley (hereinafter, “Weimer”) alleges as follows:

1. This Court has jurisdiction under the provisions of 28 U.S.C. § 1345. The United States seeks the removal of Weimer from real estate owned by RHS pursuant to the State of Missouri’s unlawful detainer statute. R.S.Mo. § 534.030.

2. Weimer is now and has been at all times pertinent hereto, a resident of Saline County, Missouri, within the jurisdiction of this Court. Personal service on Weimer may be made in the following manner:

Tiffany L. Weimer a/k/a Tiffany L. Audsley
609 E. Slater
Marshall, Missouri 65340

3. On or about May 16, 2017, at a non-judicial foreclosure sale, RHS purchased real estate situated in the County of Saline, State of Missouri,

commonly known by the address, 609 E. Slater, Marshall, Missouri, 65340 (hereinafter, “the Property”), and legally described, to-wit:

ALL OF LOT FOUR (4) AND THE EAST HALF OF
LOT THREE (3) IN BLOCK TWO (2) OF LUDWIG
SUBDIVISION, AN ADDITION TO THE CITY OF
MARSHALL, SALINE COUNTY, MISSOURI

The Property was sold to RHS in accordance with Mo. Rev. Stat. § 443.290, *et seq.*, and RHS was issued a Trustee's Deed that was recorded on June 27, 2017, as Instrument No. 2017-1781. A copy of the Trustee's Deed is attached hereto as Exhibit A.

4. A Notice of Trustee’s Sale was sent by certified mail at least 20 days prior to the date of the foreclosure sale to the following:

Tiffany L. Audsley	609 E. Slater, Marshall MO 65340
Tiffany L. Weimer	609 E. Slater, Marshall, MO 65340
CitiFinancial	14330 E.42 nd St. Suite H, Independence, MO 64055
Mark Edward Dunn	13321 N Outer Forty Rd Suite 100, St. Louis, MO 63017

A copy of the Notice of Trustee’s Sale is attached as Exhibit B. A copy of the Certificate of Mailing of Notice of Trustee’s Sale and the United States Postal Service Certified Mail Receipts for each are attached at Exhibit C.

5. Additionally, Weimer received notice of the foreclosure sale by publication, in that a Notice of Trustee’s Sale for the Property was published in the Marshall Democrat-News, a Daily newspaper of general circulation, and published continuously for a period of at least three years in the County of Saline. The Notice was published on four days: April 19, 2017, April 26, 2017 May 3, 2017 and May 10, 2017. A copy of the Affidavit of Jeremy Patton, agent for the Marshall Democrat-News, is attached hereto as Exhibit C.

6. Weimer has refused to surrender possession of the Property.

WHEREFORE, the United States of America, prays for a judgment that Tiffany L. Weimer is unlawfully possessing the Property; and for an order directing Tiffany L. Weimer to immediately relinquish possession of the Property owned by RHS and located at 609 E. Slater, Marshall, Missouri, for the costs of this action and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By **/s/ Cari Franke Walsh**
Cari Franke Walsh, MO #37867
Assistant United States Attorney
Charles Evans Whitaker Courthouse
400 East 9th Street, Room 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3130
Facsimile: (816) 426-3165
E-mail: Cari.Walsh@usdoj.gov
ATTORNEYS FOR THE UNITED
STATES OF AMERICA



2017-1781

RECORDED ON
06/27/2017 10:21:36AM
PAGES: 5

JAMIE FRANKLIN NICHOLS
RECORDER OF DEEDS
SALINE COUNTY, MO

RD-MO 1955-4
(Rev. 12/28/01)

TRUSTEE'S DEED UNDER POWER OF SALE

THIS TRUSTEE'S DEED Under Power of Sale is made on this 15th day of June, 2017.

WHEREAS, Tiffany L. Weimer, now known as Tiffany L. Audsley, by deed(s) of trust dated April 25, 2002, filed for record in the Office of the Recorder of Deeds of Saline County, Missouri, in Book 1161, Page(s) 175, conveyed to Gregory C. Branum, State Director(s) of the U.S. Department of Agriculture, Rural Housing Service (Rural Development) for the State of Missouri, as Trustee(s), the property therein and hereinafter described by the **legal description on page two**, IN TRUST, to secure the payment of the indebtedness in said deed(s) of trust identified as follows:

<u>INSTRUMENT</u>	<u>DATE</u>	<u>Amount</u>	<u>Interest</u>
Promissory Note	April 25, 2002	\$66,230	6.125%

WHEREAS, the legal holder and owner of said deed(s) of trust and the note(s) secured thereby did, in writing, and in accordance with the terms of said deed(s) of trust, remove without cause the said Gregory C. Branum as Trustee(s), and did appoint the undersigned Mark T. Simmons as Substitute Trustee, **GRANTOR**; whose post office address is 120 W 19th St, Higginsville, MO 64037.

WHEREAS, default has been made by the grantors of said deed(s) of trust in the following particulars: the borrower(s), Tiffany L. Weimer, now known as Tiffany L. Audsley, by monetary default, failed to pay installments of principal and interest when due, permitting the same to become delinquent, and said promissory note(s) has/have been declared due and payable and has/have not been paid. Due to the occurrence of default, the undersigned Substitute Trustee did, at the request of the legal owner and holder of the unpaid indebtedness secured by said deed(s) of trust, proceed to execute the powers to her given by said deed(s) of trust and did on Tuesday, the 16th day of May, 2017, having previously given at least twenty days' notice of the time, terms, and place of sale of the property to be sold by advertisement printed and published in the Marshall Democrat News, a newspaper of general circulation in the County of Saline and State of Missouri, a copy of which advertisement, with the affidavit of the publisher of said newspaper proving its publication, is hereto attached and made a part hereof, at the south door of the Courthouse in the City of Marshall, in the County and State aforesaid, between the hours of ten o'clock A.M. and two o'clock P.M., approximately 1:30 P.M., expose to sale for cash to the highest bidder at public auction the said property herein described; and at said sale the United States of America, acting through the United States Department of Agriculture, Rural Housing Service (Rural Development), being the highest and best bidder, for the sum of THIRTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-FOUR & no/100 DOLLARS (\$35,584), the same was struck off and sold to said United States of America, acting through the United States Department of Agriculture, Rural Housing Service (Rural Development), **GRANTEE**, whose post office address is Parkade Center, Suite 235, 601 Business Loop 70 West, Columbia, MO 65203, at that price and sum;

RD-MO 1955-2
(2-24-89)

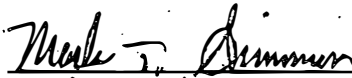
NOTICE OF TRUSTEE'S SALE

For default in the payment of debt secured by Deed(s) of Trust executed by Tiffany L. Weimer, now known as Tiffany L. Audsley, dated April 25, 2002, recorded in Book 1161, Page(s) 175, Office of Recorder of Deeds, Saline County, Missouri, at Marshall, the undersigned Substitute Trustee will on Tuesday, May 16, 2017, between the hours of 10:00 a.m. and 2:00 p.m., approximately 1:30 p.m., at the south door of the Saline County Courthouse, Marshall, Missouri, sell at public vendue, subject to any unpaid real property taxes or special assessments, without regard to race, creed, color, sex, age, or national origin, to the highest bidder for cash, or 10% non-refundable cash deposit with the balance payable in cash or secured funds within 30 days of the date of the sale:

All of Lot Four (4) and the East Half of Lot Three (3) in Block Two (2) of Ludwig Subdivision, an addition to the City of Marshall, Saline County, Missouri.

Located at: 609 E. Slater, Marshall, MO

to satisfy said debt and costs.



Mark T. Simmons
Substitute Trustee

Phone Number 660-584-8732

CERTIFICATE OF MAILING
NOTICE OF TRUSTEE'S SALE

I, Mark T. Simmons, do hereby certify:

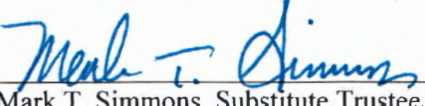
1. I am the Substitute Trustee under a deed(s) of trust recorded in Book(s) 1161 at Page(s) 175, pursuant to an appointment recorded as Document No. 2017-0677, all in the records in the Office of the Recorder of Deeds of Saline County, Missouri.

2. Not less than twenty (20) days prior to May 16, 2017 I caused to be deposited in the United States Mail at Clinton, Missouri, envelopes, certified, return receipt requested, with postage prepaid, containing a copy of the Notice of Trustee's Sale, as set out in the publisher's affidavit attached to the Trustee's deed, addressed to each of the following parties at the following address.

<u>NAME</u>	<u>ADDRESS</u>
Tiffany L. Audsley	609 E Slater , Marshall, MO 65340
Tiffany L. Weimer	609 E Slater , Marshall, MO 65340
Citifinancial	14330 E 42nd St Suite H, Independence, MO 64055
Mark Edward Dunn	13321 N Outer Forty Rd Suite 100, St. Louis, MO 63017

3. The address of the grantor(s) of the said deed(s) of trust and, where applicable, the parties who have assumed and agreed to pay the indebtedness secured by the same, is the last address of such party known to the undersigned and to the beneficiary of said deed(s) of trust.

4. This instrument, with 4 attached *certified mail receipts*, I executed for the purpose of complying with R.S.Mo. 443.325.


Mark T. Simmons, Substitute Trustee
Rural Development Office
Higginsville, Missouri

ACKNOWLEDGMENT

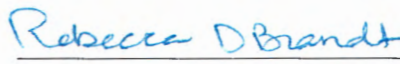
STATE OF MISSOURI)
) ss.
COUNTY OF Lafayette)

On this 15th day of June, 2017, before me personally appeared Mark T. Simmons, to me known to be the appointed Substitute Trustee and the person who executed the foregoing instrument and he/she acknowledged that he/she executed the same as his/her free act and deed as Substitute Trustee.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.



REBECCA D BRANDT
My Commission Expires
November 7, 2020
Lafayette County
Commission #12634066



Notary Public

(SEAL)

My commission expires 11-7-2020

7016 0910 0000 0295 5351

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$ 3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ -46
Total Postage and Fees	\$ 6.56
Sent To	
Street and Apt. No., or PO Box No.	Tiffany L. Audsley
City, State, ZIP+4®	609 E Slater Marshall, MO 65340
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7016 0910 0000 0295 5344

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$ 3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ -46
Total Postage and Fees	\$ 6.56
Sent To	
Street and Apt. No., or PO Box No.	Tiffany L. Weimer
City, State, ZIP+4®	609 E Slater Marshall, MO 65340
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7016 0910 0000 0295 5337

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$ 3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ -46
Total Postage and Fees	\$ 6.56
Sent To	
Street and Apt. No., or PO Box No.	Citifinancial
City, State, ZIP+4®	14330 E 42nd St Suite H Independence, MO 64055
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7016 0910 0000 0295 5320

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$ 3.35
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ -46
Total Postage and Fees	\$ 6.56
Sent To	
Street and Apt. No., or PO Box No.	Mark Edward Dunn
City, State, ZIP+4®	13321 N Outer Forty Rd Suite 100 St. Louis, MO 63017
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

AFFIDAVIT OF PUBLICATION

Date: 06/01/2017 (Space above for recording information)

STATE OF MISSOURI)
COUNTY OF BOONE) ss.

STYLE OF CASE
2998-Audsley

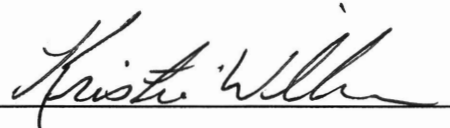
I, Jeremy Patton, having been duly sworn on oath, state that I am an agent for **Marshall Democrat-News**, a Daily newspaper, of general circulation and published continuously for a period of at least three years in the County of **Saline**, State aforesaid; and that said newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri, and that the notice hereto affixed was published in said newspaper for 4 days as follows:

1 st Insertion	April 19, 2017
2 nd Insertion	April 26, 2017
3 rd Insertion	May 3, 2017
4 th Insertion	May 10, 2017


Signature – Jeremy Patton

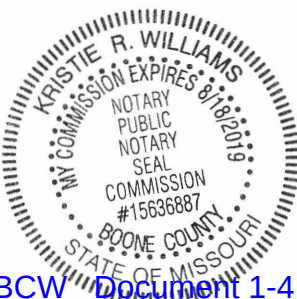
Subscribed and sworn to me on this 1st day of

June, 2017.


Notary Public – Kristie Williams

My commission expires August, 18, 2019
Commission # 15636887

Publication Fee: \$210.72



NOTICE OF TRUSTEE'S SALE

For default in the payment of debt secured by Deed(s) of Trust executed by Tiffany L. Weimer, now known as Tiffany L. Audsley, dated April 25, 2002, recorded in Book 1161, Page(s) 175, Office of Recorder of Deeds, Saline County, Missouri, at Marshall, the undersigned Substitute Trustee will on Tuesday, May 16, 2017, between the hours of 10:00 a.m. and 2:00 p.m., approximately 1:30 p.m., at the south door of the Saline County Courthouse, Marshall, Missouri, sell at public vendue, subject to any unpaid real property taxes or special assessments, without regard to race, creed, color, sex, age, or national origin, to the highest bidder for cash, or 10% non-refundable cash deposit with the balance payable in cash or secured funds within 30 days of the date of the sale:

All of Lot Four (4) and the East Half of Lot Three (3) in Block Two (2) of Ludwig Subdivision, an addition to the City of Marshall, Saline County, Missouri.

Located at: 609 E. Slater, Marshall, MO

to satisfy said debt and costs.

Mark T. Simmons
Substitute Trustee

Phone Number 660-584-8732

Publication Dates: April 19, 26, May 3, 10, 2017.

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI****CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):**First Listed Plaintiff:**

United States of America ;

County of Residence: Outside This District**Defendant(s):****First Listed Defendant:**

Tiffany L. Weimer a/k/a Audsley ;

County of Residence: Saline County**County Where Claim For Relief Arose:** Saline County**Plaintiff's Attorney(s):**

AUSA Cari Franke Walsh (United States of America)

US Attorney's Office, WDMO

400 E. 9th Street, Room 5510

Kansas City, Missouri 64106

Phone: 816-426-3100**Fax:** 816-426-3165**Email:** cari.walsh@usdoj.gov**Defendant's Attorney(s):****Basis of Jurisdiction:** 1. U.S. Government Plaintiff**Citizenship of Principal Parties (Diversity Cases Only)****Plaintiff:** N/A**Defendant:** N/A**Origin:** 1. Original Proceeding**Nature of Suit:** 230 Rent, Lease, and Ejectment**Cause of Action:** 28 U.S.C. § 1345 Complaint for Unlawful Detainer**Requested in Complaint****Class Action:** Not filed as a Class Action**Monetary Demand (in Thousands):****Jury Demand:** No

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: /s/ Cari Franke Walsh

Date: 3/7/2019

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.